

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY PTOMEY, }
Plaintiff, } 2:19-cv-00029-NR-LPL
vs. }
ALLEGHENY COUNTY BUREAU }
OF CORRECTIONS, et al., }
Defendants. }

MEMORANDUM ORDER

This is a *pro se* prisoner's rights action. Plaintiff Anthony Ptomey presented his complaint without a filing fee or *in forma pauperis* motion on January 10, 2019, and the case was marked closed. [ECF 1; ECF 2]. He moved for leave to proceed *in forma pauperis* on April 23, 2019, which was granted the next day by Magistrate Judge Lisa Pupo Lenihan. [ECF 5; ECF 6]. The complaint was filed on April 24, 2019. [ECF 7].

On June 5, 2019, Magistrate Judge Lenihan issued an order to show cause why the case should not be dismissed for failure to prosecute, since Mr. Ptomey had failed to pay the initial partial filing fee. [ECF 9]. The partial filing fee was subsequently paid. [ECF 11].

On January 2, 2020, some of the named Defendants filed a motion to dismiss [ECF 33], and Mr. Ptomey was ordered to respond by no later than March 6, 2020. [ECF 36]. No response was filed. Accordingly, on April 7, 2020, Magistrate Judge Lenihan issued an order to show cause, by no later than April 30, 2020, as to why she should not issue a report and recommendation dismissing the case for failure to prosecute under Rule 41(b). [ECF 40]. No response was filed.

Currently before the Court is Magistrate Judge Lenihan's May 7, 2020, report and recommendation, recommending that Mr. Ptomey's case be dismissed under Rule 41(b) for failure to prosecute. [ECF 41].

Mr. Ptomey was notified that, pursuant to 28 U.S.C. § 636(b)(1), objections to the report and recommendation were due by May 26, 2020 (for non-ECF users). No objections were filed, and so this Court reviews the report and recommendation for plain error.

Upon a plain-error review of the record of this matter and the report and recommendation, the Court finds no clear error. Therefore, the Court enters the following order

AND NOW, this **1st day of June, 2020**, it is **ORDERED** that the report and recommendation [ECF 41] is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Mr. Ptomey's claims are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Clerk of Court shall mark this case as administratively **CLOSED**.

BY THE COURT:

/s/ J. Nicholas Ranjan

United States District Judge

Cc: ANTHONY PTOMEY
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